

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning, Research & Development

**AGENDA DATE:** Introduction: May 17, 2005  
Public Hearing: June 07, 2005

**CONTACT PERSON/PHONE:** Fred Lopez, 541-4925

**DISTRICT(S) AFFECTED:** 5

**SUBJECT:**

An Ordinance changing the zoning of a portion of Lot A, Block 129, Eastwood Heights Unit K, El Paso, El Paso County, Texas from A-O (Apartment/Office) to A-3 (Apartment) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Nonie R. Willisch. ZON04-00151 (District 5)

**BACKGROUND / DISCUSSION:**

See attached report.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation with conditions

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** George Sarmiento, AICP

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT A, BLOCK 129, EASTWOOD HEIGHTS UNIT K, EL PASO, EL PASO COUNTY, TEXAS FROM A-O (APARTMENT/OFFICE) TO A-3 (APARTMENT) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the zoning of *a portion of Lot A, Block 129, Eastwood Heights Unit K, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from A-O (Apartment/Office) to A-3 (Apartment)**; within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

*The maximum number of apartment units on the subject property shall not exceed 144.*

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this ordinance.

**PASSED AND APPROVED this \_\_\_\_\_ day of June, 2005.**

**THE CITY OF EL PASO**


**ATTEST:**

\_\_\_\_\_  
Joe Wardy, Mayor

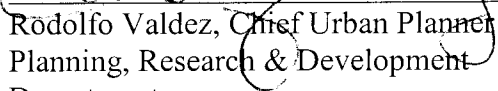
\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

*(Signatures continue on following page)*

APPROVED AS TO CONTENT:

  
Fred Lopez, Zoning Coordinator  
Planning, Research & Development  
Department

APPROVED AS TO CONTENT:

  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development  
Department

APPROVED AS TO FORM:

  
Matt Watson  
Assistant City Attorney  
Doc No. 12051

#### ACKNOWLEDGMENT

THE STATE OF TEXAS   )  
  )  
COUNTY OF EL PASO   )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by **JOE WARDY** as **MAYOR** of **THE CITY OF EL PASO**.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
  
\_\_\_\_\_

Being a portion of Lot A, Block 129  
Eastwood Heights Unit K  
City of El Paso, El Paso County, Texas  
April 19, 2005

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Lot A, Block 129, Eastwood Heights Unit K, as recorded in volume 22, pages 27, Plat records City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument at the centerline of intersection of Yarbrough Drive (120' R.O.W.) and Album Avenue (70' R.O.W.), thence North  $66^{\circ}27'00''$  West along the centerline of Album Avenue a distance of 80.00 feet to a point, thence leaving said centerline North  $23^{\circ}33'00''$  East a distance of 35.00 feet to a point lying in the Northerly right of way line of Album Avenue for The "TRUE POINT OF BEGINNING"

Thence North  $66^{\circ}27'00''$  West along the Northerly right of way line of Album Avenue a distance of 599.48 feet to a point of curve;

Thence 31.42 feet along the arc of a curve to the right whose radius is 20.00 feet whose interior angle is  $90^{\circ}00'00''$ , whose chord bears North  $21^{\circ}27'00''$  West a distance of 28.28 feet to a point on the easterly right of way line of Saigon Ave.;

Thence North  $23^{\circ}33'00''$  East along the Easterly right of way line of Saigon Avenue a distance of 320.16 feet to a point;

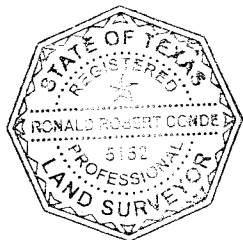
Thence leaving said right of way line South  $66^{\circ}23'47''$  East a distance of 639.48 feet to a point on the Westerly right of way line of Yarbrough Drive;

Thence South  $23^{\circ}33'00''$  West along the Westerly right of way line of Yarbrough Drive a distance of 319.56 feet to a point of curve;

Thence 31.42 feet along the arc of a curve to the right whose radius is 20.00 feet whose interior angle is  $90^{\circ}00'00''$  whose chord bears South  $68^{\circ}33'00''$  West a distance of 28.28 feet to THE "TRUE POINT OF BEGINNING" and containing 217,161 Square Feet or 4.985 acres of land more or less.

NOTE: Bearings based on the centerline monumentation of Yarbrough Drive as shown on plat of Eastwood Heights Unit K recorded in Volume 22, Page 27, Plat Records City of El Paso, El Paso County, Texas

R. R. C.  
Ron R. Conde  
R.P.L.S. No. 5152



LGL-04\1104-46

JOE WARDY  
MAYOR

JOYCE WILSON  
CITY MANAGER

GEORGE G. SARMIENTO, AICP  
DIRECTOR



**PLANNING, RESEARCH &  
DEVELOPMENT DEPARTMENT**

May 09, 2005

***CITY COUNCIL***

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

PRESI ORTEGA  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

**TO:** The Honorable Mayor and City Council  
Ms. Joyce A. Wilson

**FROM:** Fred Lopez, Planner II / Zoning Coordinator

**SUBJECT:** ZON04-00151

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The City Plan Commission (CPC), on January 27, 2005, voted **6 - 0** to recommend **APPROVAL** of this rezoning request from A-O (Apartment/Office) to A-3 (Apartment) with conditions, concurring with Staff's recommendation.

Recommended condition:

*The maximum number of apartment units on the subject property shall not exceed 144.*

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **OPPOSITION** to this request at the CPC Hearing.

## **STAFF REPORT**

**Rezoning Case:** ZON04-00151

**Property Owner(s):** Nonie R. Willisch

**Applicant(s):** Same

**Representative(s):** Conde, Inc.

**Legal Description:** Being a portion of Lot A, Blk 129, Eastwood Heights Unit K

**Location:** 2655 Yarbrough

**Representative District:** # 5

**Area:** 4.98 Acres

**Present Zoning:** A-O (Apartment/Office)

**Present Use:** Apartments

**Proposed Zoning:** A-3 (Apartment)

**Proposed Use:** Expansion to existing Apartment Complex

**Recognized Neighborhood Associations Contacted:** Eastwood Heights Association  
Album Park Preservation Association

**Surrounding Land Uses:**

<b>North -</b>	A-O (Apartment/Office) / Apartments
<b>South -</b>	R-3 (Residential) / Single-family residential
<b>East -</b>	R-3 (Residential) / Single-family residential
<b>West-</b>	R-3 (Residential), R-4 (Residential) / Single-family residential

**Year 2025 Designation:** Residential (East Planning Area)

**CITY PLAN COMMISSION HEARING, January 27, 2005  
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

**Zoning Case: ZON04-00151**

**General Information:**

The applicant is requesting a rezoning from A-O (Apartment/Office) to A-3 (Apartment) in order to permit expansion of an existing apartment complex. The property is 4.98 acres in size with an existing 120-unit apartment complex on the site. The proposed site plan shows a proposed 24-unit expansion to the existing apartment complex. Access is proposed via Saigon Avenue. There are no zoning conditions currently imposed on this property.

**Information to the Commission:**

- A. The Planning Department has received one (1) phone call and one (1) letter in opposition to this application.
- B. The proposed development (120 existing units plus the proposed 24-unit expansion) does not meet the maximum density allowed in the A-O (Apartment/Office) zoning district. The proposed A-3 (Apartment) zoning would allow 58 units/acre for a total of 288.84 units. The applicant is proposing a total of 144 units.

**Staff Recommendation:**

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from A-O (Apartment/Office) to A-3 (Apartment).

The recommendation is based on the following:

**The Plan for El Paso** City-Wide Land Use Goals recommend that El Paso “provide a wide range of housing types that respond to the needs of all economic segments of the community.”

**The Year 2025 Projected General Land Use Map** for the **East** Planning Area designates this property for **Residential** land uses.

**A-3 (Apartment) zoning** permits apartments and **is compatible** with adjacent development.

The Commission must determine the following:

- A. Will the A-3 (Apartment) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will apartments be compatible with adjacent land uses?

**Information To The Applicant:**

Building Permits and Inspections Department Notes:

- A. Shall comply with the required 6' screening wall where applicable.
- B. Need to verify how parking was calculated, apartment parking calculations is based on number of bedrooms per unit.
- C. Maximum building height 35' not to exceed two and a half stories 3 story not permitted, not more than four units per structure.
- D. Need to identify number of units, 2,400 sq. ft. of lot area per unit required.

Engineering Department, Development Division Notes:

See Enclosure 1.

Engineering, Traffic Division Notes:

No apparent traffic concerns.

Fire Department Notes:

Rezoning request does not adversely affect the Fire Department.

El Paso Water Utilities Notes:

See Enclosure 3.

Planning, Research and Development Department Notes:

- A. The Year 2025 Projected General Land Use Map for the East Planning Area designates this property for Residential land uses.
- B. A-3 (Apartment) zoning permits apartments and is compatible with adjacent development.

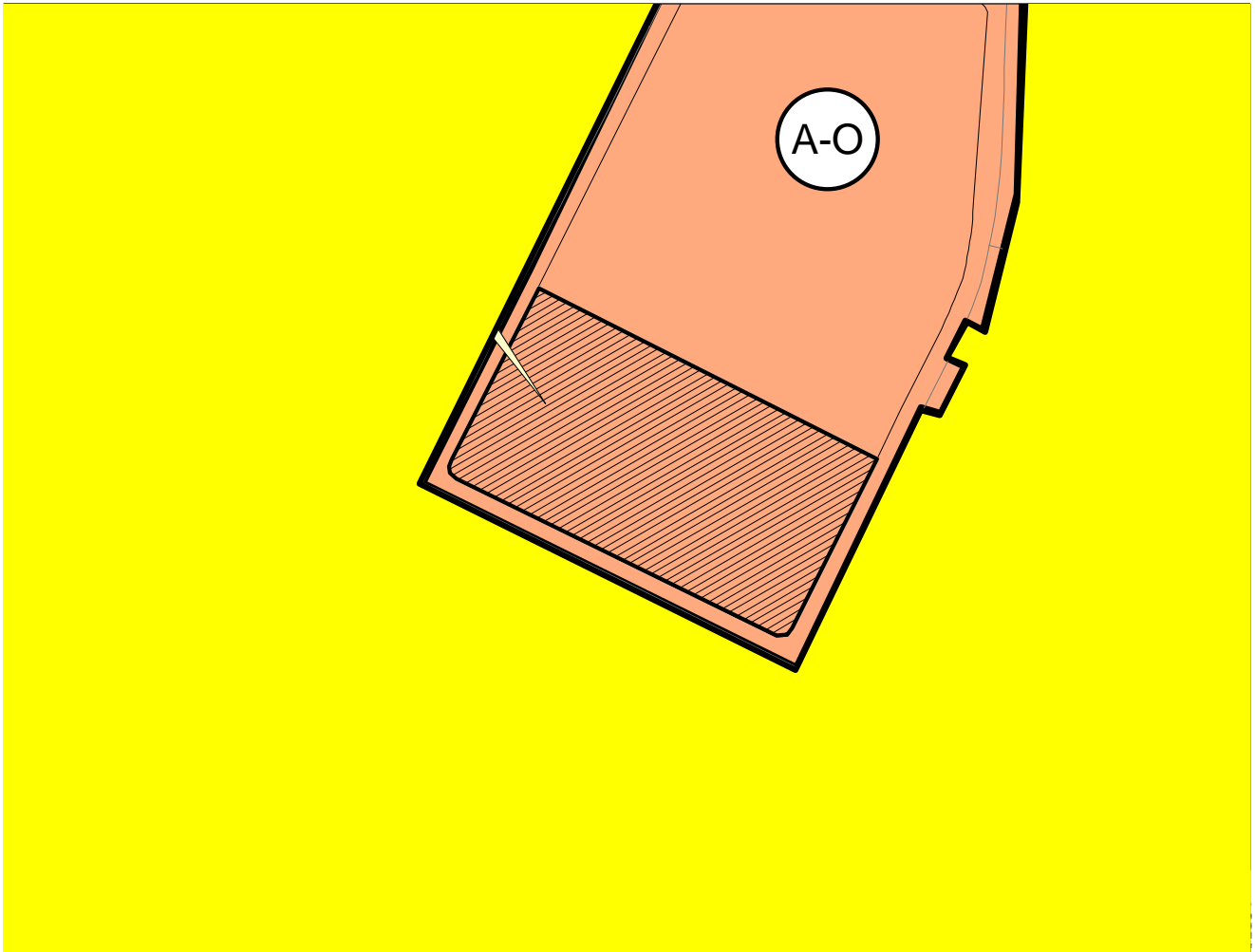
**ATTACHMENT:** Location Map; Site Plan.

**NOTE TO THE PROPERTY OWNER:** CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO



THE DEPARTMENT OF PLANNING AT (915) 541-4056.

**LOCATION MAP**



## AERIAL MAP



## DETAILED SITE DEVELOPMENT PLAN

